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**COPY MAILED**

**JUN 25 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Ferrara et al. : DECISION ON APPLICATION  
Application No. 10/027,603 : FOR  
Filed: December 19, 2001 : PATENT TERM ADJUSTMENT  
Atty Docket No. GENENT.1516CP1:

This is a decision on the "REQUEST FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)" filed March 9, 2007. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to thirty-nine (39) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is thirty-nine (39) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 13, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 0 days. On March 9, 2007, applicants timely<sup>1</sup> submitted an application for patent term adjustment (with required fee). Applicants assert that the Office erred in entering a period of reduction of 76 days for applicant delay stemming from a Notice to File Missing Parts mailed by the Office on February 7, 2002.

<sup>1</sup> PALM records indicate that the Issue Fee payment was received on March 12, 2007.

Applicants submit that the present application is not subject to a terminal disclaimer.

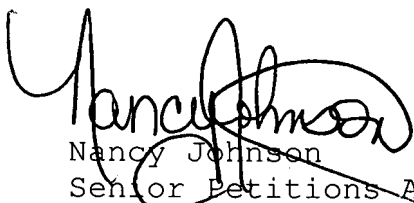
A review of the record reveals that the reduction of 76 days is not warranted. By Notice mailed May 31, 2002, the Notice mailed February 7, 2002 was withdrawn as mailed in error<sup>2</sup> and a new Notice mailed. On July 22, 2002, within the three-month period set forth in 37 CFR 1.704(b), applicants filed a response to the Notice mailed May 31, 2002. Applicants did not fail to engage in reasonable efforts to conclude prosecution of the application by delaying in replying to either the Notice mailed February 7, 2002 or the Notice mailed May 31, 2002. Accordingly, the period of reduction of 76 days has been removed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is thirty-nine (39) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Patent Publication has been advised of this decision. The application is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of Revised PAIR Screen

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<sup>2</sup> It is noted that, prior to the withdrawal of the Notice, on May 6, 2002 applicants filed a response.

Day : Saturday  
Date: 6/23/2007

# PALM INTRANET

Time: 11:33:49

PTA Calculations for Application: 10/027603			
Application Filing Date:	12/19/2001	PTO Delay (PTO):	230
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	267
Post-Issue Petitions:	0	Total PTA (days):	39
PTO Delay Adjustment:	76		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
72	06/23/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	76		
65	12/13/2006	MAIL NOTICE OF ALLOWANCE			
64	12/11/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
63	12/11/2006	ISSUE REVISION COMPLETED			
62	12/11/2006	NOTICE OF ALLOWABILITY			
61	12/07/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
60	10/03/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
59	10/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	57
58	10/04/2006	DATE FORWARDED TO EXAMINER			
57	10/03/2006	RESPONSE AFTER NON-FINAL ACTION		61	55
56	10/03/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
55	05/03/2006	MAIL NON-FINAL REJECTION			
54	05/01/2006	NON-FINAL REJECTION			
53	02/21/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
52	02/21/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		4	50
51	02/23/2006	DATE FORWARDED TO EXAMINER			
50	02/17/2006	RESPONSE AFTER NON-FINAL ACTION			
49	11/18/2005	MAIL NON-FINAL REJECTION			
48	11/14/2005	NON-FINAL REJECTION			
47	10/26/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			

46	09/12/2005	DATE FORWARDED TO EXAMINER			
45	09/06/2005	RESPONSE AFTER NON-FINAL ACTION		3	44
44	06/03/2005	MAIL NON-FINAL REJECTION			
43	05/31/2005	NON-FINAL REJECTION			
42	03/22/2005	DATE FORWARDED TO EXAMINER			
41	03/14/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
40	03/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	03/22/2005	DATE FORWARDED TO EXAMINER			
38	03/14/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)		91	34
37	03/22/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
36	03/14/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
34	09/13/2004	MAIL FINAL REJECTION (PTOL - 326)			
33	09/07/2004	FINAL REJECTION			
32	06/25/2004	DATE FORWARDED TO EXAMINER			
31	06/17/2004	FEE PAYMENT RECORDED (FEES FILED SEPARATELY E.G. NOT WITH ORIGINAL PAPERS, ETC).			
30	06/01/2004	MISCELLANEOUS INCOMING LETTER			
29	06/07/2004	DATE FORWARDED TO EXAMINER			
28	06/01/2004	RESPONSE AFTER NON-FINAL ACTION		32	22
27	06/01/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	06/01/2004	WORKFLOW INCOMING PETITION IFW			
25	06/01/2004	WORKFLOW INCOMING AMENDMENT IFW			
24	02/12/2004	CORRESPONDENCE ADDRESS CHANGE			
23	02/13/2004	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
22	01/30/2004	MAIL NON-FINAL REJECTION			
21	01/26/2004	NON-FINAL REJECTION			
20	11/19/2003	DATE FORWARDED TO EXAMINER			
19	11/07/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
18	10/07/2003	MAIL RESTRICTION REQUIREMENT	230		-1
17	10/06/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
16	09/26/2003	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	07/30/2003	CORRESPONDENCE ADDRESS CHANGE			

14	07/14/2003	CASE DOCKETED TO EXAMINER IN GAU			
13	08/27/2002	APPLICATION DISPATCHED FROM OIPE			
12	08/26/2002	APPLICATION IS NOW COMPLETE			
11	07/22/2002	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN		76	6
10	08/08/2002	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
9	05/31/2002	SEQUENCE ERRORS			
8	05/31/2002	PRE-EXAM OFFICE ACTION WITHDRAWN			
7	05/06/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	02/07/2002	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	01/31/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	01/14/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/19/2001	INITIAL EXAM TEAM NN			

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**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

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